

SECOND DRAFT
TOWN OF ESPERANCE
ZONING RE-WRITE COMMITTEE
Meeting Minutes
February 28, 2013

PRESENT:

Timothy Rank, Chairman
Raymond Gillis, Sr., Vice-Chairman
Shane Nickle, Senior Planner, Schoharie County Planning and Development Agency
Susan Brower
Michelle Brust
Bill Brynda
Joseph J. Kopacz
Ed Kulesa
Lisa Ovitt
Thomas Slater

ABSENT: Jane Hickey, Pamela Newell

Meeting called to order at 7:30 p.m. by Chairman Timothy Rank.

Shane Nickle reported that a special location has been set up on the County Website for the Town of Esperance Zoning Re-write Committee. The Right to Farm Law was posted today on the County Website. Mr. Nickle also reported that there are two versions of the Town of Esperance Zoning Map, with the differences being in the Central Bridge area. Brian Fleury, the individual responsible for computerized mapping for Schoharie County, will digitize the framed version of the map and will add tax map boundaries. Utilization of this map with more detailed boundaries will allow for more precision in identifying the Zoning areas. The purpose of the Zoning Law Re-write is two fold: 1) every 5 years the Zoning Law should be reviewed and updated, and 2) issues arise from time to time at the Town Board level and at the Zoning Board of Appeals that should be addressed in a Zoning Law.

Mr. Nickle indicated that he will prepare the draft versions of a new proposed Zoning Law based on discussions of this committee. The committee can then discuss and modify the draft as necessary. In order to begin this process Mr. Nickle had several items on which he needed guidance.

- Zoning Law Format- Does the committee want to use the existing format and make changes to it or develop an entirely new format? The consensus of the committee is to use the current format and make the necessary changes.
- Severability Clause- The current Zoning Law does not contain a severability clause and should have one.
- Fracking- the Zoning Law should address fracking; it currently does not. There was some discussion on a moratorium on fracking in the Town. Mr. Nickle reported that the State already has a moratorium on fracking so one is not necessary at this time. Should

one become necessary, the Town Board would have the authority to impose a moratorium and it could be done rather quickly.

- Railroad Zoning District- The Town currently does not have a railroad zoning district and might benefit from one. The Town does have a business located across railroad tracks that does not have safety gates. The railroad is currently classified as a utility and there is nothing in place to address their relationship with the Town. There is a lot of existing law related to this.
- Density- The new law should address density in areas where new sewer lines have been placed. Zoning regarding trailer parks should be addressed.
- Flood areas- there are many different ways to address flood related issues and the committee should consider these various options.
- Assessorly Apartments- should the Town allow for apartments attached to a home or garage for relatives etc.? The consensus of the committee is to support this concept in a new law.
- Agri-tourism- The Comprehensive Plan supports this concept. How can this specifically be addressed in the new law? Mr. Nickle reported that there is an agricultural guidance document that could be helpful in this respect.
- Farm Worker Housing- while there are federal/state regulations that address this, the local Zoning Law should address housing conditions and enforcement/reporting mechanisms.
- The committee may want to address the Route 7 & Route 30 intersection. Businesses have previously explored this area for development.
- The committee may also want to explore the establishment of an industrial park to locate light industries, warehouse, distribution centers.
- Hamlet Zones- This may be a useful approach to higher density areas that often involve smaller lot sizes.
- Zoning Districts- the committee agreed to start with existing Zoning Districts and add districts or make changes to existing districts.
- Existing Non-conforming properties- The new law should address the expansion of buildings/businesses in areas where they exist but do not conform to current zoning law. For example, a restaurant precedes zoning in an area that is now classified as residential. If that restaurant wants to expand, how should that be addressed by the new Zoning Law?

Chairman Rank suggested that all committee members familiarize themselves with the Comprehensive Plan, the Current Zoning Law and the Subdivision Regulations. Special attention should be given to an understanding of the definitions to ensure we are speaking the same language when discussing issues.

Mr. Nickle stated that he is not sure that Mr. Fleury will be able to prepare the necessary map prior to our next meeting date and he is unsure whether he will have had time himself to start on a new draft law. However, a tentative meeting was scheduled for **March 28th at 7:30 pm at the Town Hall**. If the necessary documents are not ready for discussion this meeting will be cancelled. Meeting Adjourned by Chairman Rank at 8:40 p.m.

Respectfully Submitted,
Thomas H. Slater